

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the States of CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, IOWA, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WASHINGTON, and WISCONSIN; the DISTRICT OF COLUMBIA, and the CITY OF CHICAGO, *ex rel.* OSWALD BILOTTA,

Plaintiffs and Relator,

-against-

NOVARTIS PHARMACEUTICALS  
CORPORATION,

Defendant.

**11 Civ. 00071 (PGG)**

**DECLARATION OF NINA M. DILLON**

I, NINA M. DILLON, declare the following:

1. I am a senior attorney at the law firm of Cravath, Swaine & Moore LLP, attorneys for Defendant Novartis Pharmaceuticals Corporation in the above-captioned action. I am admitted to practice in the State of New York and in the United States District Court for the Southern District of New York. I submit this declaration in support of the Motion of Defendant to Dismiss the Relator's Third Amended Complaint, filed herewith.
2. I attach as Exhibit A a side-by-side comparison of portions of the complaint filed August 13, 2010 in United States ex rel. Garrity v. Novartis Pharm. Corp., No. 08-cv-2588 (E.D. Pa.) with portions of the Relator's Third Amended Complaint filed on

July 9, 2013 in United States ex rel. Bilotta v. Novartis Pharm. Corp., No. 11-cv-0071 (S.D.N.Y. July 9, 2013).

3. I attach as Exhibit B a true and correct copy of the complaint filed August 13, 2010 in United States ex rel. Garrity v. Novartis Pharm. Corp., No. 08-cv-2588 (E.D. Pa.).

4. I attach as Exhibit C a true and correct copy of the press release of the Department of Justice issued on September 30, 2010 to announce, inter alia, the Settlement Agreement filed that same day in United States ex rel. Garrity v. Novartis Pharm. Corp., No. 08-cv-2588 (E.D. Pa.).

5. I attach as Exhibit D the Settlement Agreement filed September 30, 2010 in United States ex rel. Garrity v. Novartis Pharm. Corp., No. 08-cv-2588 (E.D. Pa.).

6. I attach as Exhibit E the United States' Statement of Interest in Response to Defendant's Motion to Dismiss Counts I and III Through XIX of the Fifth Amended Complaint filed September 24, 2010 in United States ex rel. Polansky v. Pfizer, Inc., No. 04-cv-0704 (E.D.N.Y. Sept. 24, 2010).

7. I attach as Exhibit F a true and correct copy of United States ex rel. Piacentile v. Novartis AG, No. 04-cv-4265, slip op. (E.D.N.Y. Feb. 7, 2011).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2013.



Nina M. Dillon